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COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 37th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 10 April 2000, at 3 p.m.

Chairman:	Mr. SIMKHADA	(Nepal)
later:	Mr. RODRIGUEZ CEDEÑO	(Venezuela)

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* The summary record of the second part (closed) of the meeting appears as document E/CN.4/2000/SR.37/Add.1.

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The meeting was called to order at 3.10 p.m.

INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE:

(a) VIOLENCE AGAINST WOMEN (agenda item 12) (continued) (E/CN.4/2000/66, 67, 68 and Add.1-5, 115, 128 and 131; E/CN.4/2000/118-E/CN.6/2000/8; E/CN.4/2000/NGO/42, 56, 65, 87 and 119; E/CN.6/2000/6; E/CN.4/Sub.2/1999/14)

1. Mr. MUNTASSER (United Nations Population Fund (UNFPA)) said that the need for access to information, education and quality reproductive health care was as pressing as ever. There were still 350 million women in developing countries who did not have access to safe and effective family planning methods. More than 585,000 women died every year from problems related to childbirth and pregnancy; 99 per cent were from the developing countries. Unsafe abortion and sexually transmitted diseases constituted major problems. Large numbers of women also suffered various acts of violence, including rape, domestic violence, dowry murder, honour killings, trafficking in women and genital mutilation.

2. The millions of displaced women around the world had a particular need for reproductive health care. Since 1995 UNFPA and the United Nations High Commissioner for Refugees (UNHCR), with other organizations, had attempted to meet those needs, especially in the Great Lakes region and in Albania.

3. The right to health and the right to non-discrimination with regard to gender were fundamental. Empowering people to escape from poverty and to accelerate development would require the exercise of basic rights, including reproductive rights. If Governments were to be made accountable for neglecting the reproductive rights provided for in the various international instruments, the needs should be fully integrated into the treaty implementation and monitoring process. Each of the treaty monitoring bodies could provide advice on how States should report on such rights.

4. In order to strengthen reproductive rights, States should be urged to withdraw their reservations to the Convention on the Elimination of All Forms of Discrimination against Women and other related instruments and to support an optional protocol relating to reproductive rights.

5. Ms. GIORGIEVA (Observer for the Former Yugoslav Republic of Macedonia) said that, in order to eliminate gender discrimination, it was necessary to design a comprehensive national and global strategy. There was a need, five years after the Fourth World Conference on Women, to revise strategy and formulate future commitments. Her delegation was actively participating in the preparatory activities for the special session of the General Assembly on "Women 2000; gender equality, development and peace for the twenty-first century". One of the most efficient ways of eliminating gender discrimination was to establish a mechanism for examining individual petitions relating to violations of the Convention. The adoption of the Optional Protocol to the Convention, which provided for such a mechanism, was a major step forward. Her Government had signed the Protocol and encouraged other States to do likewise.

6. Trafficking in women was an appalling phenomenon that clearly violated the most elementary human rights. As a complex problem tied in with poverty and organized crime, it was extremely hard to combat. Her delegation supported the international community's efforts in that regard, and in particular the activities of the Office of the High Commissioner for Human Rights (OHCHR). The two draft optional protocols to the Convention against Transnational Organized Crime, currently being elaborated, should also contribute to preventing the traffic in women. Her delegation participated in the activities of the Council of Europe and OHCHR to prevent and eliminate the traffic in women in central and eastern Europe, as well as similar projects within the Stability Pact for South Eastern Europe.

7. At the national level, her Government paid due attention to the gender perspective. It had adopted legislation to promote gender equality, together with action to ensure compliance. A critical point was the participation of women in the decision-making process, particularly in the political field. The National Programme of Action, adopted in accordance with the Beijing Platform for Action, therefore aimed to strengthen government machinery to promote gender equality. In 1998 Parliament had adopted a Declaration on equal gender participation in the decision-making processes. The number of women in Parliament and Government remained, however, very small.

8. Ms. TAHERI (Observer for the Islamic Republic of Iran) said that, in implementation of the Iranian Constitution and in conformity with the provisions of the Beijing Platform for Action, the Government had developed a national plan for the advancement of women, with the emphasis on the establishment of institutionalized mechanisms to that end.

9. Since his election in 1997, the new President had striven to take account of women's concerns in the national planning process. At the legal level, the result had been the adoption of regulations which paved the way for adopting laws on women's participation in decision-making, preventing discrimination against women and improving their situation with regard to education, culture, health, social welfare and employment. Another achievement was the approval by Parliament of two new bills relating to pensions and custody of children, as well as executive regulations for the implementation of the social security law for women and children who had no means of support and the establishment of special courts aimed at facilitating litigation in cases relating to women. As a result of the growing gender sensitivity, more women had been promoted in the judiciary. Moreover, almost all public organizations and institutions had established special units for advancing the status of women.

10. Some of the most important achievements in women's health were the implementation of reproductive health and family planning programmes; greater popular participation in health-care provision; the formulation of laws and health schemes guaranteeing the reduction and elimination of occupational health hazards for women; and the development of mechanisms to give women full and equal access to health-care services.

11. With regard to the Beijing Platform for Action and the five-year review, her delegation welcomed the convening of the special session of the General Assembly in June 2000. By enabling participants to share best practices and to understand the obstacles encountered, the session would facilitate a pragmatic approach that would lead to the adoption of forward-looking measures. It would also make it possible to translate strategies into action geared to realizing the

goals set forth in the Beijing Platform for Action. The Iranian Centre for Women's Participation had formed a national committee to review the Government's actions and achievements under the five-year programme to implement the Beijing Platform for Action. The results of the review would be published under the title "The Islamic Republic of Iran National Report on the Advancement of Women". The Centre also regularly convened meetings and workshops to monitor progress made on the advancement of women in the country since the Fourth World Conference on Women.

12. Ms. SCHONMANN (Observer for Israel) said that her country had made significant progress over the past five years in raising public awareness and utilizing legislative measures to promote women's rights. The women members of Parliament, from rival parties and platforms, had successfully joined forces to promote affirmative action and advance women's status in Israeli society. Women's non-governmental organizations (NGOs) had also played a leading role in furthering the cause of women nationwide.

13. In 1998 the Knesset had passed far-reaching legislation making sexual harassment an offence that carried both criminal and civil penalties. The law provided a broad definition of such harassment in all situations of authority and applied not only in the civilian arena but also within the military, the police service and in higher education institutions. The past year had seen a significant rise in the number of complaints filed, which could be attributed to growing public awareness of the need to combat such forms of violence against women.

14. A catalyst in that regard had been the establishment of the Authority for the Advancement of the Status of Women in March 1998. The Authority had been commissioned, inter alia, to advise the various government ministries on the implementation of gender-related laws, to promote legislative initiatives for the elimination of gender discrimination, to initiate programmes and services to promote gender equality and to raise public awareness. In March 2000 the Knesset had also passed the Women's Equal Rights Law, which established the principle of full equality for women and stipulated, among other things, the right of women to be protected from violence, sexual harassment and exploitation.

15. The law-enforcement mechanisms in Israel had gone through a notable change, in that they dealt more efficiently with women's complaints of sexual harassment. National media campaigns had brought the subject to the forefront of public debate. Israel was a multicultural society, and attitudes had changed slowly but steadily. For effective results, there should be firm measures against those who violated the law. There should also be campaigns to create public willingness to advance a change in attitudes.

16. Mr. Rodriguez Cedeño (Venezuela), Vice-Chairman, took the Chair.

17. Ms. CASATI (Observer for Paraguay) said that women had always played an important role in Paraguayan society. During the wars that had left their mark on the history of Paraguay, they had supported the army, taken on farm work when the men were at the front and played a part in rebuilding the country. Paraguay was one of the first countries to have recognized women's rights: civil rights in 1954 and political rights in 1961, with the result that women had

been able to vote since 1963. Equality between men and women in the civil, political, economic, social and cultural domains was enshrined in the Constitution, which also set out positive measures to advance women in those areas.

18. Successive Governments had done their best to eliminate or change any provision which, contrary to international agreements, tended to encourage discrimination against women. They had thus made great efforts to establish gender equality at the legislative level. The Government had ratified the Convention, among other instruments, and had adapted national legislation correspondingly, unanimously adopting a bill against domestic violence in implementation of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women. Moreover, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women had been laid before Parliament with a view to ratification, something her delegation hoped would take place before the special session of the General Assembly in June 2000.

19. In 1992 the Government had established the Secretariat for the Status of Women, the aim of which was to integrate the gender perspective into official policy. Among other activities, the Secretariat had adopted a plan on equality of opportunity for women and had a variety of mechanisms at its disposal to apply the plan at the national and local levels. Other women's programmes had been prepared and a national tripartite commission, made up of representatives of the State, workers and employers, had been set up to examine and promote equal participation by women in employment. It should be noted that the Secretariat worked closely with women's NGOs.

20. With regard to access by women to positions of responsibility, the situation was that, while women occupied ministerial and other high positions within the executive, they were more numerous among the elected representatives of the legislature. Great progress had been made in achieving equality between men and women, but financial, cultural and educational problems still hindered women's access to the highest positions, as well as to credit and to income-generating activities. The Government was determined that there should be equity in human development, so that men and women alike could enjoy economic and social well-being.

21. Mr. RIM Yong Chol (Democratic People's Republic of Korea) deplored the fact that the use of sexual violence against women in areas of armed conflict had not yet been terminated. The practice was still prevalent because past crimes against humanity had not been punished. The fact that rape, in particular, was still widespread in regions of armed conflict was because no satisfactory settlement had been reached regarding the sexual violence committed by the Japanese army against Korean and other Asian women during the Second World War. Japan refused to make public apologies and to compensate the victims for the crimes against humanity for which it was responsible, such as sexual slavery and forced recruitment and labour.

22. His delegation wished to reiterate that no statutory limitations could be applied to the crimes committed by the Japanese army which, in violation of international law, had forced 200,000 Korean women into sexual slavery and had inflicted inhuman and humiliating treatment upon them. The passage of time would not cover up such atrocities, and the Japanese authorities could not deceive anyone with the "Asian Women's Fund" and a "letter of apology". The delegation of the Democratic People's Republic of Korea welcomed the report submitted by

Ms. Gay J. McDougall, the Special Rapporteur of the Sub-Commission on wartime sexual slavery (E/CN.4/Sub.2/1998/13), and strongly urged the Japanese authorities to investigate and make public the human casualties and material losses suffered by the Korean people, to punish those responsible, and to make an official apology and pay compensation to the victims. Only measures of that kind would prevent the recurrence of such crimes against humanity.

23. Ms. ANANICH (Observer for Belarus) said that the difficulties of her country's period of transition had mainly affected women, who constituted the greater part of the population and whose situation had markedly deteriorated despite legislation that was relatively favourable to them. Admittedly, following the Beijing Conference the Government of Belarus had paid increased attention to the problems encountered by women, but many were difficult to deal with because they were directly bound up with the country's level of socio-economic development. Although on the whole better educated than men, women were less well paid, rarely held posts of responsibility and were unemployed almost twice as often as men. The situation of women bringing up children on their own had particularly deteriorated in recent years, especially in the cases of those whose children had become seriously ill as a result of the Chernobyl disaster, whom no one wanted to employ and who had to accept the most poorly paid work in order to survive. The level of economic, physical and sexual violence within the family was also very high in Belarus.

24. In order to remedy all those problems, the Government of Belarus had drawn up a National Action Programme and set in place the necessary institutional infrastructure to improve the situation of women. It was constantly engaged in perfecting the legislative foundations so as to ensure equality between the sexes, and was doing its best to implement all measures on behalf of women, particularly mothers. In that respect, the Government was cooperating with the country's social and women's organizations, as well as UNDP, UNICEF and UNIFEM. Since 1998 emergency centres had existed for women who were the victims of sexual or physical violence and telephone help services were available for women in difficulty. The Government was also implementing programmes on behalf of women running their own companies, single mothers, mothers of handicapped children and other categories of socially disadvantaged women. It was also conducting an information campaign to increase popular awareness and mobilize the population. Such achievements demonstrated the importance Belarus attached to improving the situation of women and promoting equality between the sexes. Her Government was counting on the technical and financial support of the international community in implementing initiatives and specific projects in that regard.

25. Ms. GEGA (Observer for Albania) explained that the situation of women in Albanian society had markedly improved since the overthrow of the communist system. Legislative and institutional reforms had been undertaken to guarantee women full enjoyment of their rights and freedoms. Article 18 of the Constitution, which declared that all citizens were equal before the law, was the foundation for the provisions of the Civil Code, Code of Civil Procedure, Penal Code, Code of Criminal Procedure and Labour Code establishing equality between the sexes. Revision of the Family Code was also proceeding in the same direction. In addition, a National Committee on Women and the Family had been established in 1998. It was responsible in particular for implementing the Convention on the Elimination of All Forms of Discrimination against Women, ratified by Albania in 1993, and the Beijing Programme of Action. Judges

dealing with family questions had been given additional training, and new amendments to the Penal Code were planned in order to increase the number of provisions prohibiting violence within the family.

26. The Albanian Government had committed itself to improving the system of social protection of women. It was coordinating adminstrative and legal measures to defend the place and the interests of women in the family, in the workplace, in school and in society in general. As far as the traffic in women and children was concerned, the Albanian Government had devised special programmes in collaboration with other countries. Also, measures had been taken to combat women's poverty and unemployment and to improve their living conditions and access to medical services. The Government was also doing its best to encourage a change in attitudes and the implementation of programmes to advise and rehabilitate women and girls who were the victims of violence. In partnership with NGOs, the Albanian Government was supporting exchanges of views in schools and other institutions about the new relations to be established between family members, with a view to advancing the status of women.

27. Her Government was concerned about the situation of thousands of Kosovar women and girls who were still suffering terribly even though the war had ended. The fate of hundreds of others was unknown, and many were still being held in Serb prisons, among them Flora Brovina, who had been jailed for 12 years for her activities in defending human rights. The Albanian Government was appealing for her release, and for those responsible for crimes against the Kosovar people to be brought to justice.

28. Ms. AL-HAJJAJI (Observer for the Libyan Arab Jamahiriya) explained that if one read the Koran one could acquire the necessary historical perspective to understand the essence of things. As to the legal situation of women in Islam, and specifically the matter of bearing witness, verse 282 of sura II (the Cow) had often been badly interpreted. It stated: "Call in two male witnesses from among you, but if two men cannot be found, then one man and two women whom who judge fit to act as witnesses". Some had inferred that the testimony of a woman was worth only half that of a man, but such an interpretation was erroneous. The value of a woman's testimony was not in question since, on the one hand, the verse concerned loans, a commercial transaction which was historically the prerogative of men, and, on the other hand, the second woman had to be there only to help the first if she made a mistake or forgot. Furthermore, the Koran clearly established the principle of equal testimony, notably for adultery. One could not, therefore, conclude that it instituted some kind of inferiority as far as women were concerned.

29. Mr. ALERYANI (Observer for Yemen) said that the situation of women in Yemen had improved a great deal over the past 20 years in spite of many obstacles, since Yemeni society was marked by very strong traditions. The Government had written the equality of men and women before the law into the Constitution. It had adopted numerous measures aimed at enhancing the participation of women in the country's social, economic and political life. In particular, it had adopted a national strategy for women in 1997, following the first meeting of the National Committee on Women, which was held with the participation of governmental and non-governmental organizations. It had also drawn up a programme on the education of girls for the period 1998-2010. In addition, the Ministry of Labour was currently drawing up a strategy on women's employment and another strategy on their professional training, which sought to avoid the adverse consequences of structural adjustment.

30. Notable progress had been made in the plan for the participation of women in political life. The participation rate for women in the 1997 elections had been 45 per cent, as against 21 per cent in 1993. Two women currently held seats in the Senate, and there were 32 women judges, one of them in the Court of Appeal, two women vice-ministers and three women deputy ministers. Women now occupied senior positions in the administrative and judicial system, and in the political parties themselves. One was on the Higher Electoral Committee formed in 1993. At the diplomatic level, several women had been appointed to senior posts in missions abroad, and for the first time a woman had become an ambassador. Also, there had been more women working in the private sector and in business since the revolution.

31. Yemen thanked the countries that had helped it for their cooperation; it intended to pursue its activities to improve the status of women.

32. Mr. JONSSON (Observer for Iceland) said that, although some progress had been achieved, the goals established at the Fourth World Conference on Women in Beijing were far from being attained. It was therefore necessary to continue the fight against the flagrant violations of women's human rights in countries such as Afghanistan, where those rights were flouted under the guise of respect for religion and tradition. In other countries, too, freedom of movement for women was severely restricted, with effective segregation of the sexes.

33. Nor did women benefit to the same extent as men from the beneficial effects of globalization and from new technologies. The situation had, in fact, become so serious that there was now talk of the feminization of poverty. It was thus crucial to promote women's right to education, and to further their training so that they might make full use of technologies and have access to the opportunities offered by ongoing changes in the global market. Men should also participate in such efforts, since respect for human rights increased security and stability and constituted the surest means of contributing to economic prosperity and overall development. The disproportionate roles played by men and women in family life was another factor which had contributed to discrimination against women. The Icelandic Government was planning to rectify that situation by submitting a bill to Parliament that provided for equal rights for men and women to maternity and parental leave.

34. The adoption of an Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, and the inclusion of rape, sexual slavery, enforced prostitution and all other forms of gender violence as crimes against humanity and war crimes in the Rome Statute of the International Criminal Court, represented important steps towards the strengthening of women's rights. His delegation accordingly encouraged all Member States to sign and ratify those two instruments.

35. Ms. COTTINGHAM (World Health Organization (WHO)) stressed the need to pay more attention to the interlinkages between the protection of women's human rights and their health. The discrimination suffered by women throughout their lives had adverse consequences for their health, and thus made them more vulnerable to other forms of violations. With a view to combatting such discrimination, it was essential to use gender-specific analysis and consistently collect sex-disaggregated data. It was also very important that public health systems should protect the rights of women, for example by integrating a gender perspective and involving women in the planning and provision of health services.

36. WHO was committed to promoting reproductive health and reproductive rights. Women had the right to make free and informed decisions about their reproductive lives and to benefit from medical services and scientific progress. They also had the right to privacy and to freedom from sexual violence and coercion. Violence - as a result not only of its physical but also of its social, economic and psychological consequences - could have an impact on all aspects of women's lives and affect the lives of their children. WHO's new Corporate Strategy emphasized a broad approach to health within the context of human rights and human development, based on the belief that respecting, protecting and fulfilling women's human rights would lead to improved health for women.

37. Mr. DOUNG CHI DUNG (Observer for Viet Nam) welcomed the work of the Commission on the Status of Women in preparing for the forthcoming special session of the General Assembly. His country intended to participate actively in the session. The Vietnamese State had always promoted the emancipation of women and gender equality. As the sixth State to have signed the Convention on the Elimination of All Forms of Discrimination against Women, in 1980, Viet Nam had actively sought to introduce the requisite political and legal basis to implement the provisions of the Convention. The 1992 Constitution provided for equality between men and women in all fields. As a follow-up to the Beijing Conference, in 1997 the Vietnamese Government had adopted a National Plan of Action for the Advancement of Women through to the year 2000. The status of Vietnamese women had been greatly improved, particularly with respect to participation in public decision-making. They currently accounted for more than 13 per cent of ministers and for more than 26 per cent of deputies.

38. In order to deal effectively with trafficking in women, which had serious, long-term physical, psychological and social effects, Viet Nam had embarked on concerted measures with different sectors and administrative levels. Measures undertaken to that end should address the root of the evil, and society as a whole should be encouraged to participate further in that difficult task. International and regional coordination and cooperation should be strengthened and the United Nations system called upon to make a contribution.

39. Ms. AEBY (Observer for Switzerland) said that in 1999 her country had adopted a national action plan, "Equality between women and men", which gave concrete realization in all fields to the Platform for Action adopted by the Beijing Conference. In the preparations for the special session of the General Assembly (Beijing +5 Review), her delegation was concerned to note that some States were seeking to undermine the agreed conclusions of the Platform for Action, which were not renegotiable. Preparations for the special session should also take into account the results of the International Conference on Population and Development (Cairo) and the World Summit for Social Development (Copenhagen), and address new challenges.

40. One such challenge was trafficking in women. Her delegation commended Mrs. Coomaraswamy on her excellent support on the issue (E/CN.4/2000/68) and particularly endorsed some of her recommendations. The proposed definition of trafficking was most useful, especially since it sought to protect, rather than penalize, victims. Her delegation also supported the incorporation in the protocol to prevent, suppress, and punish trafficking in women to the draft international convention against transnational organized crime, of human rights standards for the treatment of trafficked persons, rights that would include access to justice, medical care

and assistance, the granting by the authorities of the host country of a residence permit, and the protection of witnesses. Reintegration of victims, in full dignity, in their country of origin should also be a priority.

41. In the framework of the Organization for Security and Cooperation in Europe (OSCE), her Government supported legislative review projects, and cooperated with non-governmental organizations (NGOs) in various countries in combatting trafficking and in protecting victims. Swiss missions abroad also made available to women wishing to emigrate to Switzerland information on their rights in Switzerland, and gave diplomatic staff training on the subject of trafficking in human beings. Her Government also contributed to the fight against poverty among women and to the strengthening of women's economic and social rights by means of development assistance. In advocating an integral approach to equality between men and women, the Swiss Government wished to encourage women to participate more actively in conflict prevention and in the maintenance of peace.

42. Ms. MAJALI (Observer for Jordan) said that her country - which had ratified the Convention on the Elimination of All Forms of Discrimination against Women and had embodied the principle of non-discrimination in the Constitution - continued to take measures to amend its legislation and regulations accordingly. The national strategy for the advancement and equality of women was, moreover, modelled on the Beijing Platform for Action. Her delegation intended to participate actively in the General Assembly's special session, which, as the Chairperson of the Commission on the Status of Women had pointed out, would afford an opportunity to consolidate agreed conclusions on protection of the fundamental rights of women. Moreover, her delegation paid tribute to the efforts made by the High Commissioner for Human Rights, particularly in integrating a gender perspective in the activities of the United Nations system.

43. She welcomed the report on the situation regarding the elimination of traditional practices affecting the health of women and the girl child, prepared by Mrs. Warzazi, as well as Mrs. Coomaraswamy's report on violence against women (E/CN.4/2000/68). Her delegation failed to understand, however, why Mrs. Coomaraswamy, in introducing her report, had drawn particular attention to Jordan in respect of "honour killings" when the Special Rapporteur on extrajudicial, summary or arbitrary executions in her report (E/CN.4/2000/3, para.82) had welcomed initiatives taken by the Government of Jordan to bring its legislation into conformity with international standards in that regard. The Jordanian delegation had already explained that a crime considered in some parts of the world to be a crime of passion was deemed an honour killing in other parts. It had also demonstrated that the perpetrators of such crimes did not remain unpunished in Jordan, even if some sentences were reduced in certain circumstances. The Jordanian Government had placed a bill before Parliament to annul article 340 of the Penal Code in respect of honour killings, but regrettably the bill had failed to pass.

44. Ms. CHEW (Asian Legal Resource Centre (ALRC)), speaking also on behalf of the Global Alliance against Trafficking in Women, drew the Commission's attention to the situation of Dalit women in India, detailed in the organization's written statement (E/CN.4/2000/NGO/65). Such women suffered the worst forms of discrimination based on caste

and sex, and were subjected to extremely inhuman treatment (torture, rape, killing) as punishment for asserting their rights or for standing up to dominant castes, while the police typically stood by or did nothing to prosecute the perpetrators of such crimes.

45. ALRC commended the Special Rapporteur on Violence against Women on her lucid and constructive report (E/CN.4/2000/68), which provided a clear definition of trafficking in women. The vulnerability of women to trafficking must indeed be understood in the context of the basic right to freedom of movement. ALRC was following the Special Rapporteur's lead by calling upon Governments to move from paternalistic approaches that sought to "protect" innocent women to more holistic approaches that sought to protect and promote the human rights of all women. She welcomed the recommendation to Governments and the international community to utilize the Human Rights Standards for the Treatment of Trafficked Persons, which had been launched jointly by the Global Alliance against Trafficking in Women, the Foundation against Trafficking in Women and the International Human Rights Law Group. Based on the fundamental principle of non-discrimination, the Standards set out procedures to ensure compensation and assistance to victims of trafficking. Immediate implementation of the Standards was crucial in evolving long-term strategies to combat all forms of violence against women.

46. Ms. MYA MYA AYE (Worldview International Foundation) lamented the fact that no mention had been made in any of the reports introduced under agenda item 12 of the situation of Rakhaing women on the western Burma border. In common with other women belonging to ethnic minorities such as the Karen, Kachin, Chin, Mon, Burman and Shan, such women were regularly torn from their families by the army, forced to do manual labour or domestic work, and also mistreated when too tired or undernourished to work.

47. The impoverishment and militarization of modern Burmese society produced fertile ground for two main forms of violence against women in Burma, namely rape and trafficking. Rape, in fact, was used by the army as a tool to demoralize and destroy ethnic communities, and to pursue warfare beyond the battlefield. The rapists generally went unpunished, and victims seeking justice were frequently the object of reprisals, which heightened the climate of terror induced by such crimes in conflict zones.

48. The phenomenon of trafficking in women, common to many developing countries, was also exacerbated by armed conflict. The policy of the State Peace and Development Council, which tended towards increased military expenditure at the cost of development, had brought widespread poverty, leading many women and girls to prostitution in neighbouring countries. Significantly, Burma was a party to the Convention on the Elimination of All Forms of Discrimination against Women, article 6 of which obliged States party to "take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women". Poverty further denied women the right to adequate food and access to decent health care, and many children did not attend school.

49. On behalf of Rakhaing women and indeed of all women in Burma, Worldview International Foundation appealed to the Commission to take the necessary steps to end violence against women in Burma, and to help restore their rights.

50. Mr. RAVENNA (Permanent Assembly for Human Rights (APDH)) said that, although the Argentinian Government had ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1985, and had since adopted legislation aimed at resolving women's issues, effective mechanisms had yet to be established to guarantee the exercise and enjoyment by women of their rights. Nor had legislation to protect women been effectively publicized; not only were women ignorant of such legislation, but indeed the civil servants responsible for implementing it.

51. Violence against women, whether it occurred within or outside the family, was a very widespread problem in Argentina, where 30 per cent of female homicide victims were assassinated by their spouses. According to a recent UNICEF report, 82 per cent of rapes of minors were committed by relatives of the victims. That serious situation had resulted in the enactment of domestic legislation on family violence, but civil servants - in particular the police - had not yet been given the necessary training.

52. Contraception posed a further problem, since it was not considered a health issue in Argentina. Contraception was not provided either under the public health service or in the private sector. Women consequently resorted to induced abortions, particularly women with a low level of education, and those secret abortions were the third major cause of death among women of child-bearing age. According to some estimates, there were between 300,000 and 400,000 abortions a year in Argentina. National and provincial authorities should therefore make family planning services freely available and should incorporate sex education in school curricula.

53. Nor was the principle of equal pay for equal work respected in Argentina, for women earned 20 to 30 per cent less than men. According to the National Statistics Office, 3,200,000 people in the federal capital were living below the poverty line, and many of them were women.

54. In politics, although legislation provided for a quota of at least 30 per cent women in public office, that mandatory rule was bypassed at all levels; what was supposed to be a minimum percentage had effectively become a maximum percentage.

55. Ms. SANCHO (Lila Pilipina) reiterated an appeal on behalf of her organization to all members of the Commission to ensure that all the former "comfort women" in the Philippines and other countries who had been reduced to sexual slavery by the Japanese army during the Second World War received official apologies and moral and financial compensation from the State. In fact, it was worth recalling that the Asian Women's Fund, which was responsible for paying compensation to survivors, was a private fund and that medical and social assistance provided under the Fund by the Japanese Government was given to women "in crisis situations" in general, and not explicitly to the former comfort women. It was time for the Japanese Government to acknowledge its responsibility by offering official apologies coupled with State compensation to each victim. Lila Pilipina commended the two Special Rapporteurs on violence against women and on the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict, including internal conflict, for having formulated recommendations to that effect. Her organization also strongly urged the Commission to support

the bill submitted by Senator Shoji Motooka and the Japanese Democratic Party in the House of Councillors of the Japanese Diet. It welcomed that first official initiative to make the Japanese Government admit its wrongdoings and accede to the demands of the victims.

56. As regards trafficking in women, Lila Pilipina fully agreed with the definition given by the Special Rapporteur on violence against women in her report (E/CN.4/2000/68). It was a clear and comprehensive definition which was tailored to protect and promote the rights of victims "with special emphasis on gender-specific violations and protections". The Special Rapporteur particularly emphasized the common elements found in all forms of trafficking, namely (1) the lack of consent; (2) the brokering of human beings; (3) the transport; and (4) the exploitative or servile conditions of the work or relationship.

57. Ms. AHMADI (International Human Rights Law Group) denounced the extreme forms of violence which still victimized women on a daily basis in Afghanistan, in the name of religion. The Taliban had in effect enforced laws which made women prisoners in their own homes. In 90 per cent of the country, women and girls were unable to go to school, to the office or to hospital, or to wear their traditional dress, since those acts were considered by the Taliban to be crimes. Women were therefore condemned to disappear from public life. The Department of Virtue and the Suppression of Vice, established by the Taliban, could have a woman arrested at any time without giving her any right of appeal against the punishments inflicted on her. The International Human Rights Law Group welcomed the report of the Special Rapporteur on violence against women, Ms. Coomaraswamy, and agreed with her conclusion that the international community could not tolerate the situation in Afghanistan and that no regime anywhere in the world that treated women as did the Taliban should be allowed a place in the community of nations.

58. Ms. IDZAKOVIC (International Human Rights Law Group) said that in 1995 there had been a sudden increase in the number of women coming to Bosnia and Herzegovina from eastern European countries, attracted by false promises of work. In reality, they were the victims of traffickers, and were sold, moved and generally treated as goods. The main "distribution centres" were the town of Bijeljina or the Brcko region, where the women were sold to brothel owners for DM. 2,000 to DM. 3,000. There they were forced to work as prostitutes, were tortured, beaten and starved. Their treatment was intended to make them submissive. Deprived of any freedom of movement, they lived in conditions of slavery without papers, money or access to health care. In view of that situation, all States were urged to examine strategies to combat trafficking in persons.

59. Ms. DEHOY (Catholic Institute for International Relations) expressed her organization's deep concern regarding the dramatic situation faced by the Rohingya women of Burma who had been and were still being trafficked to Pakistan and who had no other option for survival because of the oppressive policies carried out by the Burmese military regime against the Muslim minority of Arakan state. The Special Rapporteur on the situation of human rights in Myanmar had referred to their situation in his report (E/CN.4/2000/38). All the fundamental rights of citizenship were denied them following amendments to the Citizenship Act in 1982 that rendered them stateless. Consequently, they did not enjoy freedom of movement; furthermore, they often lived in situations of extreme poverty, lacked education and had no access to health care. In

addition, families subjected to all sorts of afflictions (forced labour, arbitrary taxation and confiscation of land) were deprived of all means of subsistence. Such policies had led to a refugee exodus to Bangladesh in the past two decades and that exodus had not stopped.

60. The refugee camps in Bangladesh were ideal recruiting grounds for the traffickers. The so-called "voluntary" repatriation programme had further contributed to the development of trafficking to a third country, since the conditions for safe return had not been achieved. Moreover, thousands of persons had not been admitted to the refugee camps and found themselves totally deprived of humanitarian assistance. Many Rohingya women fell into the web of the recruiters in Bangladesh, who took them to Pakistan. On the way many of them disappeared, were arrested, left behind, abducted or sold, and were especially exposed to sexual violence.

61. In Pakistan, the Rohingya population was mostly concentrated in the suburbs of Karachi. According to a police report, the number of Burmese living illegally in Karachi had risen to some 200,000 in 1993, an increase of 700 per cent over the figure for 1988. Women and children were often sold into sexual slavery or domestic servitude, and others were working in conditions which were tantamount to slavery as a result of debt bondage.

62. The Government of Pakistan had remained insensitive to the plight of the many illegal migrants, and the Rohingya women were constantly at risk of being arrested and imprisoned for breaking the Pakistani law on foreigners which prohibited illegal entry into the country and the Hudood Ordinance which specifically prohibited extra-marital sexual relations.

63. Measures needed to be taken urgently to allow the Rohingya women to live in dignity. It was the Commission's responsibility to intervene with the Government of Myanmar to put an end to their situation of statelessness and to ensure that their fundamental rights were respected.

64. Ms. KRISNAWATI (Asia Pacific Forum on Women, Law and Development) drew the Commission's attention to the issue of violence against women in Indonesia. That country was currently in transition from a military regime marked by large-scale human rights violations, to a civilian Government attempting to establish a more democratic regime. However, women were still victims of brutal and systematic acts of violence (rape, shooting, kidnapping, torture) throughout the country, but particularly in areas of armed conflict, such as Aceh, West Papua and East Timor, and also in Jakarta during the riots in May 1998.

65. For example, more than 30 women had died in massacres in several regions of the island of Java at the end of 1999 and the beginning of the year 2000. The investigation conducted by the National Commission on Violence against Women established that the massacres had been planned in advance, and carried out by professional killers, so as to draw the population's attention away from the illegal activities of the military and to terrorize communities.

66. The Indonesian Government, in cooperation with a number of organizations, was endeavouring to implement the recommendations made by the Special Rapporteur on violence against women. To that end, various measures had been taken: the establishment of a "zero tolerance policy on violence against women", the creation of a victim and witness protection system and the preparation of a bill on rape and sexual violence. The Government was also

contemplating the establishment of a truth and reconciliation commission. However, elements within the armed forces wished to maintain the status quo and to avoid prosecution by using violence against women as a way to build up a climate of fear and so perpetuate the vulnerable position of women in society.

67. The Indonesian Government had ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Elimination of All Forms of Discrimination against Women. However, many of the principles proclaimed in those instruments had still not been incorporated in national legislation. The Commission should therefore condemn all forms of violence against Indonesian women and urge the Indonesian Government to bring to trial the perpetrators of the massacres in Java; to invite the Special Rapporteur on extrajudicial, summary or arbitrary executions to conduct an on-the-spot investigation, to implement the recommendations made by the United Nations Special Rapporteur on violence against women in her report; and, finally, to set up national mechanisms with a view to bringing an end to all forms of violence against women.

68. Ms. BELLAMY (International Confederation of Free Trade Unions (ICFTU)) said that, although the principle of equality between men and women was written into the constitutions and national legislation of many countries, it was not always implemented in practice. In Iceland, for instance, although a 1991 Act prohibited discrimination between men and women in employment, women's earnings were 16 per cent below those of men.

69. The globalization of economies had had an impact on the lives of large numbers of women. The great majority of individuals in part-time, underpaid and atypical jobs, working at home, working flexible hours, in temporary or casual employment or in the informal sector were women. To counter the adverse effects of globalization, steps should be taken to ensure that the rights of women in the workplace were incorporated in the policies of the WTO, the World Bank, the IMF and regional economic agreements. Special attention should be paid to vulnerable groups - young women, women migrant workers, women from ethnic minorities, handicapped women, lesbians and older women. The ILO, in cooperation with the ICFTU, was conducting a project specifically on the subject of the informal sectors - free export zones, domestic employment and work in rural areas - designed to end the isolation of the women concerned and to bring them information on basic labour standards.

70. To attain the goal of equality in employment, the ICFTU and its affiliated organizations were concentrating their activities on campaigns to promote the ratification and implementation of relevant international instruments, and in particular ILO Conventions Nos. 100, 111 and 156 concerning equality of remuneration, non-discrimination in employment and equal opportunity and treatment, as well as the United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, and the proposal to revise ILO Convention No. 103 on maternity protection, which was to be adopted in June.

71. Mr. OBEID (Arab Lawyers Union) drew attention to the situation of women in the Israeli-occupied territories in Lebanon. In southern Lebanon and the western Bekaa, Lebanese women were living in constant fear of incursions by Israeli troops into their homes at any time of the day to arrest members of their families on charges of cooperation with the Lebanese resistance or to enrol them forcibly in the militias of the so-called "South Lebanon Army",

founded by Israel after the invasion of Lebanon in 1978. In addition to the anguish experienced when their husbands, brothers or sons were arbitrarily arrested and detained by the Israeli forces, Lebanese women were also suffering physically. Large numbers of Lebanese women were being held in Israeli prisons - and in particular in the Khiam Detention Camp - and were being subjected to torture, inhuman treatment and humiliation during their detention. He mentioned several cases of women on whom exactions of those kinds had been inflicted by the Israeli forces. The situation of those women was a clear illustration of the terrorism practised by the Israeli State against Lebanese citizens over the past 22 years in violation of all international principles, agreements and instruments.

72. Mr. Simkhada (Nepal) resumed the Chair.

73. Ms. KAMARUZZAMAN (Observer for the Australian Council for Overseas Aid) denounced the acts of violence being committed against women in the province of Aceh, in northern Indonesia, during the period of military operations from 1989 to 1998. Notwithstanding the change of government since then, the rights of women were still being violated in Aceh, and the military had stepped up its acts of violence committed in Aceh in the past year. There had been cases of rape, and women and children had been used as human shields. In March, for example, six men had ransacked houses and raped women in a village. According to the witnesses, the men had been masked but wearing military uniforms. Some of the victims recognized soldiers who had been operating in the area three days earlier. The Special Rapporteur on violence against women had been informed of the situation during her visit to Indonesia at the end of 1998. In particular, she met women from Aceh who informed her that rape and sexual violence had become instruments of intimidation and torture in that province.

74. The Australian Council for Overseas Aid called on the Commission to urge the Indonesian Government to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to apply it in its entirety; to implement the recommendations of the Special Rapporteur; to put an end to the immunity of those who violated human rights (and particularly the perpetrators of sexual violence); to involve women in the settlement of conflicts; and to support the establishment of the Peace Commission proposed by the first Aceh Women's Congress in February.

75. Ms. NADIA (Third World Movement against the Exploitation of Women) denounced the different forms of violence that women were still experiencing in Indonesia, particularly the systematic use of rape in conflict areas such as Aceh and western Papua and, more recently, in a number of refugee camps in West Timor. Rape had also been used as an instrument of terrorism in urban areas during the political upheaval in May 1998, and in East Timor since the Indonesian military invasion in 1975. In particular, in some regions, and especially the free trade zones and industrial areas, young women had been forcibly injected with Depropovera, a contraceptive. The perpetrators of those violations had never been brought to justice, for the country's political instability encouraged immunity.

76. The use of rape during periods of armed conflict also reflected the inferior position of women in Indonesian society, in which they were relegated to the roles of wives and mothers and were the principal victims of violence within the family. The democratization of the country had not changed that situation in any way. The restrictive and discriminatory measures and

legislation affecting women were still in place, and the Government did not seem to attach priority attention to women's issues. A number of aspects of the Convention on the Elimination of All Forms of Discrimination against Women, which Indonesia had ratified in 1984, had still not been incorporated in domestic legislation.

77. Lastly, the Third World Movement Against the Exploitation of Women called on the Commission to urge the Indonesian Government to take all necessary measures to end systematic violence against women as an instrument of intimidation and oppression and, in accordance with the recommendations of the Special Rapporteur on violence against women, to establish a victim and witness protection programme and to adopt legislation prohibiting rape and sexual violence, so as to put an end to impunity in that field.

Statements in exercise of the right of reply

78. Ms. COMOGLU-ULGEN (Observer for Turkey) expressed astonishment that the Special Rapporteur on violence against women had, during the previous meeting, unjustifiably included Turkey among the countries in which "honour killings" took place, without having previously made any mention of the matter. It should be pointed out that the Turkish Government had provided information on the subject to the Special Rapporteur on extrajudicial, summary and arbitrary executions at her request and not in response to a complaint. Moreover, the Turkish Penal Code laid down very severe penalties for persons engaging in such inhuman practices.

79. Ms. MAJALI (Observer for Jordan) expressed regret that the Special Rapporteur on violence against women had mentioned Jordan in connection with honour killings, although, as the UNICEF Administrative Manager had stated, Jordan was the country in which crimes of that type were fewest in number. Moreover, the number of such crimes was still falling. What was more, increasingly numerous protests were being heard in the country against acts of that type, which were committed under the pressures of traditions and customs which could not be changed overnight.

80. Such crimes were not tolerated in Jordan and, consequently, their perpetrators could not go unpunished. It was true that article 340 of the Penal Code provided that a man who surprised his wife, or one of his close women relatives, committing adultery and killed or injured her could be completely discharged or sentenced to a light penalty. However, the Government had submitted to Parliament a draft bill for the abrogation of that article; unfortunately, Parliament had not adopted it. In fact, the Special Rapporteur on extrajudicial, summary or arbitrary executions had welcomed the initiative taken by the Government of Jordan in paragraph 82 of her report (E/CN.4/2000/3).

The first (public) part of the meeting rose at 5.30 p.m.